

Central Valley Regional Water Quality Control Board

13 November 2018

Teng Vang
7313 Circle Parkway
Sacramento, CA 95823

CERTIFIED MAIL:
7017 3040 0001 0265 0422

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2018-0528, TENG VANG – ASSESSOR PARCEL 041-300-006-000, SHASTA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint) issued to Teng Vang (Discharger) pursuant to California Water Code (CWC) section 13350 for violation of Cleanup and Abatement Order R5-2017-0701 (CAO).

In the Complaint, the Prosecution Team recommends an administrative civil liability be assessed against the Discharger in the amount of **One Hundred Thirty-Nine Thousand Four Hundred and Twenty-Five dollars (\$139,425)**.

The Discharger has a right to a hearing before the Central Valley Regional Water Quality Control Board (Central Valley Water Board) within 90 days of the issuance date of this Complaint. A hearing for this matter has been scheduled for the 7 and 8 February 2019 Board meeting in Rancho Cordova, California. Alternatively, the Discharger may waive the right to a hearing within 90 days of the issuance date of this Complaint by completing the waiver form (Attachment E). If the Discharger chooses to waive the right to a hearing within 90 days of this Complaint, the completed and signed waiver form must be received by the Central Valley Water Board by **5:00 p.m. on 30 November 2018**. The options included to waive the 90 day hearing requirement are as follows:

- 1) Pay the proposed administrative civil liability and waive the Discharger's right to a hearing (Option #1 on the attached waiver form – see Attachment E). If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. The tentative settlement will be considered during a 30-day public comment period, during which interested parties may comment on the proposed action by submitting written comments to the Central Valley Water Board staff person listed below. The Central Valley Water Board may choose to hold a hearing on the tentative settlement. Should the Central Valley Water Board receive new information or comments during this comment period and/or at the hearing, the Central Valley Water Board may return any payments received, and issue a final Administrative Civil Liability Order based on information and facts obtained during the comment period and/or hearing. If the Central Valley Water Board does not hold a hearing on the tentative settlement, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the tentative settlement.

- 2) Waive the 90-day hearing requirement in order to engage in settlement discussions (Option #2 on the attached waiver form – see Attachment E). If this option is chosen, the Discharger certifies that the Discharger will promptly engage with the Central Valley Water Board Prosecution Team to enter into settlement discussions. The Discharger reserves the ability to request a hearing in the future. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing, and any proposed settlement is subject to the conditions described under Option #1.
- 3) Ask that the hearing be postponed for reasons provided by the Discharger (Option #3 on the attached waiver form – see Attachment E). If this option is chosen, the reasons provided by the Discharger to hold the hearing date beyond 90 days will be considered, however it remains within the discretion of the Central Valley Water Board to approve the extension.

If the Central Valley Water Board does not receive a signed waiver from the Discharger by **5:00 p.m. 30 November 2018**, then a hearing will be scheduled for the 7 and 8 February 2019 Board meeting in Rancho Cordova, California. This hearing will be governed by the attached Hearing Procedure, which has been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedure must be received by the Primary Contacts for the Advisory Team and Prosecution Team, whose contact information is listed in the Hearing Procedure, by **5:00 p.m. on 22 November 2018**.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 a.m. and 5:00 p.m.

If the Discharger has any questions or would like to discuss legal aspects of the Complaint, please contact the lead attorney on the Prosecution Team, Daniel S. Kippen, Esq., Senior Staff Counsel with the State Water Resources Control Board's Office of Enforcement at (916) 323-6848. If the Discharger has technical questions regarding the CAO, please contact Ryan Cornwall, Water Resources Control Engineer, Central Valley Water Board, at (530) 224-4851.



Clint E. Snyder, P.G.
Assistant Executive Officer
Central Valley Regional Water Quality Control Board, Redding

RC: ab

Enclosures: Administrative Civil Liability Complaint R5-2018-0528
Attachment A: Penalty Calculations
Attachment B: Cleanup and Abatement Order R5-2017-0701
Appendix A: 6 October 2016 Inspection Report
Attachment C: 20 July 2018 Notice of Violation
Attachment D: Site Figures
Attachment E: Waiver Form for Administrative Civil Liability Complaint

R5-2018-0528
Hearing Procedures
ACL Fact Sheet

cc via email with attachments

Patrick Pulupa, Central Valley Water Board, Rancho Cordova
Andrew Altevogt, Central Valley Water Board, Rancho Cordova
Bayley Toft-Dupuy, Esq., Office of Chief Counsel, SWRCB, Sacramento
Jessica Jahr, Esq., Office of Chief Counsel, SWRCB, Sacramento
Daniel S. Kippen, Esq., State Water Board, Office of Enforcement, Sacramento